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# Unacceptable Forms of Work: A Multidimensional Model

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Unacceptable forms of work (UFW) have been identified as an Area of Critical Importance for the ILO as it approaches its centenary. Yet there is presently no comprehensive elaboration of the dimensions, causes or manifestations of UFW. This article reports on a research project that has proposed such a framework. The article first investigates and reconceptualises a set of key discourses on contemporary work to identify their contribution to an analytically rigorous conception of UFW. It then outlines a novel Multidimensional Model that has been designed for use by local policy actors in identifying and targeting UFW in countries across a range of income levels.

## Introduction

Unacceptable forms of work (UFW) have been identified by the International Labour Organization (ILO) as work in “conditions that deny fundamental principles and rights at work, put at risk the lives, health, freedom, human dignity and security of workers or keep households in conditions of extreme poverty” (ILO 2013a, para 49). In his 2013 report to the International Labour Conference, the ILO Director-General included UFW among the Areas of Critical Importance for the Organization (ILO 2013e). In 1998, the *Declaration on Fundamental Rights and Principles* identified a set of universal demands – on collective rights, equality, forced labour and child labour - that must be respected in all working relations. A decade later, the *Declaration on Social Justice for a Fair Globalization*<sup>1</sup> stressed the indivisibility of the ILO’s objectives and confirmed a sustained loyalty to the Organization’s longstanding concerns of decent wages, feasible working hours and a healthy and safe working environment. As the ILO approaches its centenary, the Organization is compelled to face a complex, yet inescapable, challenge: to secure the objectives of the twin *Declarations* it must identify and eliminate UFW.

Yet the ILO has recognized that there has been no comprehensive elaboration of the key dimensions of UFW. Nor are the causes of this phenomenon, or of how UFW manifests in different economic or regulatory contexts fully understood (ILO 2014a, p 19). To bridge these knowledge gaps, the Organization called for “a more refined understanding about the dimensions and descriptors of [UFW].... to guide practical action by the ILO and its constituency” (ILO 2015, p 1). This article reports the findings of a research project that has responded by proposing a new framework for understanding and addressing UFW (see also Fudge and McCann 2015).

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<sup>1</sup> *ILO Declaration on Social Justice for a Fair Globalization*, International Labour Conference, 97<sup>th</sup> Session, Geneva, 10 June 2008.

This article contends that attempts to identify UFW – and to eliminate them – must recognize the complexity of improving contemporary working life in the early twenty-first century. It has become apparent that there are groups of working people in countries around the world that are profoundly adrift from decent work. These working lives are singled out in the national and international debates through a range of terminology: Precarious Work, Informality, Forced Labour etc. The diverse nomenclature betrays a degree of confusion about how to identify, to categorize, and to improve these working relations. Each of the relevant debates, however, conveys a set of guiding insights: that certain workers are labouring in unacceptable conditions; that these working relationships are expanding in many countries, in both the global South and in the advanced industrialized economies; that UFW are centered among groups who are already at risk of social and economic disadvantage – e.g. women, the young, ethnic minorities, migrant workers etc.; and that policies effectively to improve these working relations are both urgently needed and potentially an entry point for broader social and economic upgrading.

This article proposes a new model to identify and address UFW. It does not suggest a universal framework, applicable across all socio-economic contexts; instead, it recognizes that UFW will vary from country to country. This conception of UFW also integrates a continuum that stretches from UFW to Decent Work, in which some forms of work are clearly unacceptable, such as forced labour, others harbour elements of unacceptability that should be eliminated, and others constitute Decent Work or Good Jobs. The article begins by selecting a set of discourses that pertain to contemporary work, which are used as a source of insight for identifying what makes different forms of work unacceptable: Decent Work, Good Jobs, Precarious Work, Vulnerability, Informal Work and Forced Labour. It then reviews these six key discourses, focusing on what each can offer for constructing an analytically rigorous and policy-oriented conception of UFW. The second section is devoted to outlining a novel Multidimensional Model of UFW, which is designed to capture the complexity of modern working life and to be used as a diagnostic tool by local actors (governments, social partners, civil society organizations) to identify and target UFW across a range of economies at different levels of development.

## **1. Unacceptability in contemporary discourses of working life**

The contention of this article is that fully to realize the potential of the UFW concept it is essential to engage with the academic and policy discourses that pursue similar objectives. A range of policy and academic traditions – drawing on diverse concepts and methodologies – is investigating how to identify and eliminate forms of work that are unacceptable. This article revisits these literatures to argue that the existing models, while insufficient on their own, are crucial to developing a robust concept of UFW. Three criteria were used to select the discourses evaluated: relevance to identifying unacceptable work; take-up by policy-makers or key policy institutions; and currency within the relevant (legal, regulatory and sociological) academic literature. Two - Decent Work and Good Jobs - reflect the international debate about core development issues, namely the creation of employment and the quality of work. As such, they provide an overarching imagery of a working life that is the antithesis of unacceptable work. The others - Precarious Work, Vulnerability, Informal Work and Forced Labour - centre on specific and interrelated manifestations of unacceptable work that are of concern to policy-makers or ripe for regulatory intervention.

### **1.1 Decent Work**

Decent Work has become the guiding contemporary image of an acceptable or desirable working life. Elaborated as a commitment to “promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equality, security and human dignity” (ILO 1999), the concept is situated at the convergence of four principles – also singled out as the “strategic objectives” of the ILO – the promotion of rights at work, employment, social protection, and social dialogue (ibid; see more recently ILO 2013b). Since the ILO first articulated it at the turn of the century, Decent Work has become a prominent theme of broader global labour, social, and development policy agendas, culminating in 2007 in an endorsement by the United Nations General Assembly in the revision of the Millennium Development Goals (see further MacNaughton and Frey 2010).<sup>2</sup> The ILO’s conception of Decent Work can be taken to denote the antithesis of unacceptable work. As such, it illuminates the project of mapping the forms and locations of unacceptability.<sup>3</sup> In this regard, the notion of unacceptability derived from Decent Work can be understood to have a substantive and a functional dimension, both of which are pertinent to developing a convincing model of UFW.

### **1.1.1 The substantive dimension: a multidimensional model and the international floor of rights**

On the substantive level, the notion of unacceptable work derived from the Decent Work model is work that is unproductive, unfree, performed in conditions of inequality, insecure, or in violation of human dignity. The strategic objectives add regulatory detail: unacceptable working relationships do not respect work-related rights, are excluded from social protection regimes, and do not offer opportunities for social dialogue.

This elaboration of unacceptable work enriches the rendition of UFW in a number of ways. First, it places social dialogue at the heart of Decent Work:

[T]he best solutions arise through social dialogue in its many forms and levels, from national tripartite consultations and cooperation to plant-level collective bargaining. Engaging in dialogue, the social partners also fortify democratic governance, building vigorous and resilient labour market institutions that contribute to long-term social and economy stability and peace. (ILO 1999, p 16)

This prominence of social dialogue in Decent Work is an important corrective to other elaborations of unacceptable work explored in this article, which tend to underplay the collective dimensions of decency.

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<sup>2</sup> See UN Statistics Division, ‘Official List of MDG Indicators,’ available from <http://mdgs.un.org/unsd/mdg/>. The *Sustainable Development Goals* include to ‘[p]romote inclusive and sustainable economic growth, employment and decent work for all,’ Goal 8, available at [www.un.org/sustainabledevelopment/economic-growth](http://www.un.org/sustainabledevelopment/economic-growth) (accessed 31 August 2015).

<sup>3</sup> Webster, Budlender and Orkin (2015) developed a questionnaire based on nine of the indicators identified by the ILO’s 2008 Tripartite Meeting of Experts on the Measurement of Decent Work. Their diagnostic tool focused on individual workers at industry level rather than conditions at country level in order to monitor progress towards decent work while enabling key actors at industry level to develop evidence-led strategies to overcome decent work deficits. Their notion of decent work deficits has much in common with the notion of unacceptability developed in this article.

More broadly, Decent Work also offers a multidimensional model of acceptable work. The association of Decent Work with the ILO's "core rights" strategy initially threatened the breadth of the concept (see further Alston and Heenan 2004, Alston 2005 and the response by Langille 2004; see also Fudge 2007). The Decent Work Agenda (DWA) was criticized for neglecting labour rights beyond the core and thought to be unresponsive to many of the urgent social problems encountered in the rapidly globalizing economies of the early twenty-first century (see in particular Rittich 2006). Subsequently, the ILO stressed the interdependency of the four pillars of Decent Work. The *Social Justice Declaration* emphasized the strategic objectives as "equally important" (I.A) and "inseparable" (I.B) and explicitly situated working conditions within the domain of social protection (see further McCann 2012).

The 2008 *Declaration* also confirmed that Decent Work is associated with the range of international labour standards. With this in mind, UFW can be understood as working relations that exist either below or outside this normative floor and thus as subject to a defined set of parameters.<sup>4</sup> International labour standards establish the boundaries of Decent Work; conversely, the threshold of UFW can be drawn in part by reference to the minimum requirements of these standards. The precise relationship between Decent Work and UFW hinges on the content of the relevant standards (see further Fudge and McCann 2015, pp 48-51). Certain of the international norms contain entitlements that are concrete and specific. The right to a weekly rest period of 24 hours or to 3 weeks' annual leave are illustrations.<sup>5</sup> Others are procedural or programmatic: the right to be subject to a minimum-wage setting mechanism,<sup>6</sup> for example, to the progressive realization of the 40 hour week,<sup>7</sup> or to a national work/family policy that counters discrimination and work/family conflict.<sup>8</sup> As an illustration, Table 1 outlines the working time dimensions of Decent Work.

[Table 1 here]

Finally, the elasticity of the Decent Work concept is instructive for devising an effective model of UFW. An abstract and subjective concept, Decent Work is applicable to countries across all levels of economic development,

Decent work is not defined in terms of any fixed standard or monetary level. It varies from country to country. But everybody, everywhere, has a sense of what decent work means in terms of their own lives, in relation to their own society.... The immediate objective is to put in place a social floor for the global economy (Somavia 2000, pp 2-3, [quoted in Vosko 2000a, pp 26-27]).

These observations suggest that conceptions of UFW should allow for variation to respond to socio-economic and cultural contexts, an insight returned to in Section 2 below.

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<sup>4</sup> A standards-based approach to identifying UFW has been adopted by the ILO/World Bank *Better Work* programme. The *Better Work* Compliance Assessment Tool (CAT) assesses factory compliance with (1) the core standards identified in the 1998 *Declaration* and (2) working conditions standards in a country's domestic labour law framework (on compensation, the employment contract, workplace relations, occupational safety and health, and working time). See further [http://betterwork.org/global/?page\\_id=333](http://betterwork.org/global/?page_id=333).

<sup>5</sup> Weekly Rest (Industry) Convention, 1921 (No. 14), Article 2(1); Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), Article 6(1).

<sup>6</sup> Minimum Wage-Fixing Machinery Convention, 1928 (No. 26); Minimum Wage Fixing Convention, 1970 (No. 131).

<sup>7</sup> Forty-Hour Week Convention, 1935 (No. 47).

<sup>8</sup> Workers with Family Responsibilities Convention, 1981 (No. 156).

### **1.1.2 The functional dimension: Decent Work beyond the employment relationship**

The functional dimension of Decent Work has extended international labour policy beyond both the conventional employment relationship and the formal labour market. The concept was fashioned to encompass a broad range of workers and its expansive scope was recognized (Sen 2000). Decent Work embraces working lives beyond those of waged workers in formal enterprises. Further,

*All those who work have rights at work.* The ILO Constitution calls for the improvement of the ‘conditions of labour,’ whether organized or not, and wherever work might occur, whether in the formal or the informal economy, whether at home, in the community or in the voluntary sector. (p 3)

This dimension of the Decent Work concept is critical for the investigation of both the sites of UFW and the policy and regulatory interventions that are required to ameliorate or eliminate these working relationships.

First, the breadth of the Decent Work concept in part reflected the contemporary trend towards extending protections beyond the employment relationships conventionally recognized by labour law systems (see ILO 2013d). Second, the expansive concept of Decent Work also confirmed the ILO’s evolving preoccupation with workers in the informal economy (ILO 1999, p 3; see further Vosko 2000a),

Decent Work, then, is not pursued exclusively in formal employment relationships. It is also demanded of work arrangements that are, owing to their (de jure or de facto) exclusion from the lattice of regulatory regimes that encircle labour market participation, considered to be informal. This embrace of the informal sector propelled the ILO more firmly into the priorities and forums of development policy and was applauded as a novel commitment to marginalized workers and the growing influence of the NGOs that represent them (Vosko 2000a; Sen 2000). The broader resonance of notions of informality is discussed in Section 1.5 below.

## **1.2 Good Jobs**

Employment in advanced economies is increasingly identified as a disjuncture between “good” and “bad” jobs. This project has been driven by the recognition that western labour markets have become increasingly polarized since the 1970s into poor quality, insecure and low-waged work, on the one hand, and more secure and rewarding forms of employment, on the other (e.g. Mason and Salverda 2010; Kalleberg 2011). This outcome has been associated with a hollowing-out of the occupational structure through the expansion of good jobs in managerial, professional and technical occupations, a disproportionate expansion of bad jobs in sales and services occupations, and a decline in middle-level jobs (clerical, skilled and semi-skilled manual occupations) (Kalleberg 2011). The Good Jobs discourse is associated with a literature that has revived the investigation of job quality since the mid-2000s (e.g. Green 2006; Grimshaw et al. 2008; Kalleberg 2011; Osterman and Shulman 2011; Findlay et al 2013). This investigation of employment polarization initially exposed a “conceptualization deficit” (Findlay et al 2013, p 442) that signaled the need for more elaborate typologies of good and bad jobs (see Muñoz de Bustillo et al. 2009). Researchers

have since elaborated characteristics of good and bad jobs, in the process generating sophisticated typologies of each that are a crucial contribution towards conceptualizing UFW.

### **1.2.1 Multi-dimensional models of Good Jobs**

In its origins, the Good Jobs literature reflected disciplinary diversity: the economic literature highlighted wages and fringe benefits, psychologists focused on job satisfaction, etc. (Kalleberg 2011; Findlay et al 2013). Modern analyses tend to reflect on the nature of good/bad jobs from an inter-disciplinary perspective. As a result, the literature has evolved to offer richer models of objectionable and desirable jobs and to embody a multidimensional ethos: “[j]obs are made up of bundles of rewards, and the multidimensionality of job quality is reflected in definitions that recognize the diverse aspects of what constitutes a ‘good’ job” (Kalleberg 2011, p 5).

Modern typologies capture objective features of jobs: centrally, wages (hourly wages, annual earnings, or both; e.g. Tilly 1997; Clark 2005; Davoine et al 2008) and working time (the duration of working hours and, increasingly, their flexibility; e.g. Tilly 1997; Clark 2005). More recent academic literature, however, has also been directed towards identifying dimensions of job quality beyond the field’s traditional preoccupations (Brown et al 2007), such as skills development, job content, worker autonomy, the rhythm of work, and work intensification (e.g. Green 2006, 2008; Gallie et al 2004; Holman 2013). The recent literature also increasingly captures subjective components of jobs through its attentiveness to workers’ choices, values, and constraints (see Cooke et al. 2013), in particular job satisfaction, employee work preferences and perceived fulfillment (Clark 2005; Tsitsianis and Green 2006; Brown et al 2007; Bustillo et al 2009). The broadest typologies therefore capture job quality in relation to individuals’ life stages, values, and opportunities.

As a result of these advances in the research, in recent typologies good and bad jobs are expansively defined to embrace a range of aspects of job quality. (e.g. Kalleberg 2011). The broadened approach to the notion of Good Jobs is reflected in Table 2.

[Table 2 here]

### **1.2.2 An expanding model: contextualizing Good Jobs**

Although increasingly expansive, Good Jobs typologies are subject to a number of constraints. These models do not generally, for example, embrace the capacity of workers to enforce their legal rights. The Good Jobs literature tends in particular to neglect the insights of legal doctrinal-theoretical scholarship and can, as a result, overstate the promise of regulatory interventions.<sup>9</sup> Taxonomies of Good Jobs, further, have been criticized for valorizing the ‘standard’ model of employment that is associated with post-Fordist manufacturing (Loughlin and Murray 2013). Neither has this literature strongly integrated the social location of the worker or the social context of the job (see further Section 1.3 below), although both are beginning to feature: Findlay et al. (2013), for example, have recognized that job quality “[i]s a contextual phenomenon, differing among persons, occupations and labour market segments, societies and historical periods.”

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<sup>9</sup> Findlay et al.’s (2013) suggestion, for example, that the EU Temporary Agency Work Directive could substantially mitigate the outsourcing of labour neglects the legal scholarship on the deficiencies of the Directive, which include the restricted scope of the equal treatment entitlement and the limitations of the comparative model; see further Contouris and Horton 2009; McCann 2012.

A particularly conspicuous limitation of the existing Good Jobs research is its focus on advanced industrialized economies, and therefore forefronting of job-dimensions of most relevance to more affluent settings. Typologies of Good Jobs are therefore ripe to be extended to low-income countries. In this regard, the World Bank has recently offered a contribution that implicitly extends the Good Jobs discourse to the global context and offers some contributions for the development of the UFW concept (see also Hasan and Jandoc 2010). The 2013 *World Development Report* – ‘the *Jobs* report’ – introduced the novel concept of “good jobs for development” (GJD), defined as jobs that have “the highest payoff to society,” with “spill overs on the living standards of others, on aggregate productivity, or on social cohesion” (World Bank 2012, p 159; on the report generally see McCann 2015). The Bank’s notion of GJD includes criteria familiar from standard Good Jobs taxonomies; however, it also embraces risks that the existing typologies tend to overlook, including “activities that exploit workers, expose them to dangerous environments, or threaten their physical and mental well-being” (World Bank 2012, p 14).<sup>10</sup>

### 1.3 Precarious Work

The notion of Precarious Work has become a central focus of recent policy debates, denoting the uncertainty, insecurity, and instability associated with an increasing proportion of contemporary work (Vosko 2000b, 2010; Fudge and Owens 2006; Kalleberg 2009, 2012; Standing 2011). Precariousness has been of particular policy concern at the European-level. The EU *Guidelines for the employment policies of the Member States* call on domestic policy-makers to tackle labour market segmentation.<sup>11</sup> In April 2012 the European Commission emphasised the risks of precariousness, as part of EU-efforts to accelerate job creation in the wake of the crisis (CEC 2012). The protection of workers in precarious employment is also among the targets of the Decent Work dimension of the UN Sustainable Development Goals.<sup>12</sup> Paralleling these policy developments, the concept of Precarious Work in the research literature has evolved to embrace multidimensionality and to embed an awareness of social location and social context that is crucial to developing fully realised models of UFW.

#### 1.3.1 Multidimensionality in Precarious Work

The scope and substance of the concept of Precarious Work has gradually been refined in the literature to generate richer understandings of how work arrangements combine with the demographic characteristics of workers and features of specific labour and product markets to generate UFW. The term has evolved in relation to a network of allied concepts, such as ‘atypical’ or ‘nonstandard’ (Countouris 2007; Broughton et al. 2010) and “contingent work” (Polivka and Nardone 1989), which emphasize different features of work arrangements. Different terms have greater currency in specific institutions and countries and at specific times (Fudge 1997; ESOPE 2005; Fudge and Owens 2006). Most recently, Precarious Work has become the most prominent label globally (Kalleberg 2009; Vosko 2010; Kalleberg 2011; Standing 2011).

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<sup>10</sup> The distinction between good/bad jobs from the perspective of the individual and of society is also a fruitful line of enquiry. On this question, see further Muirhead (2007).

<sup>11</sup> Council Decision (EU) 2015/1848 of 5 October 2015 on guidelines for the employment policies of the Member States for 2015 [2015] OJ L268/28, Guideline 7.

<sup>12</sup> Sustainable Development Goals, Goal 8, note 2 above.



A major step towards developing a comprehensive model of Precarious Work was made by Rodgers, who identified the need to look at different forms of employment in terms of multiple dimensions of insecurity. Rodgers focused on: (1) the degree of certainty of continuing employment; (2) control over the labour process, which is linked to the presence or absence of trade unions and professional associations and relates to control over working conditions, wages and the pace of work; (3) the degree of regulatory protection; and (4) income level (Rodgers 1989). Another dimension, work or employment status, which captures the legal characterisation of the workers as employed, self-employed, a worker, or para-subordinate, was added to the conception of Precarious Work since employment status is often critical for eligibility to many forms of labour and social protection (Fudge 2006; Vosko 2006). Subsequently, researchers have added health (Vosko 2006) and working time (Burgess and Campbell 1998) as additional dimensions of insecurity, and variability as a component of income insecurity (Fuller 2009). The literature has also investigated the legal determinants of Precarious Work (e.g. Fudge and Owens 2006; McCann 2008; Kountouris 2012). Recently, for example, Kountouris has built upon Rodgers' multi-dimensional approach to develop a "legal conceptual framework for .... precariousness in work relations," identifying five key legal determinants as (1) immigration status precariousness; (2) employment status precariousness; (3) temporal precariousness; (4) income precariousness; and (5) organizational control precariousness (Kountouris 2012, pp 21, 27).

This multidimensional approach to Precarious Work has illuminated a number of negative consequences for individual workers, their families, their communities, and social cohesion more generally. Precarious Work arrangements are associated with unsafe and unhealthy conditions. Temporary workers, for example, are less likely than permanent employees to receive adequate work-related training and more likely to be occupied in lower-skilled jobs that are associated with poor health outcomes, while their occupational safety and health is poorly monitored by inspection systems (Quinlan 1999; Lewchuk et al. 2003; Bohle et al. 2004; Benach and Muntaner 2007; Lewchuk et al. 2011). Workers in precarious forms of work enjoy less autonomy and control over the labour process and work schedules, features of jobs that are associated with work-related stress (Lewchuk, Clarke and De Wolff 2011). Precarious Work is also associated with several short-term and long-term costs that inhibit individuals' ability to establish and maintain stable families and households (ACTRAV 2011, p 14; see also Fudge 2005b).

A particular concern of the literature is that Precarious Work does not provide individuals with the rights and protections that have traditionally been a feature of employment. Precarious employment status has been found to have the effect of hollowing out employment and labour laws, lowering the floor of employment entitlements, and shifting risks from employers to workers. Bogus self-employment and ambiguous employment relationships tend to disenfranchise workers from the protection afforded by labour or employment law (Fudge and Owens 2006; Kountouris 2012). Many workers on casual and zero-hour contracts are unable to qualify for a range of work-related entitlements that depend upon continuous service (Davies 2007; McCann 2008; Freedland 2014) and in many jurisdictions, self-employed workers are not entitled to use collective bargaining legislation to assist them to unionize or to bargain collectively (Cranford and Vosko 2005).

Precarious Work has been characterized as an entry point into the labour market for groups of workers, such as working women with young children, recent immigrants, and young workers, who have been excluded from employment. The idea is that once in employment, these workers would then be able to transition to more secure employment. The question is

whether young people, for example, have to “queue” in temporary and insecure jobs while waiting for permanent jobs or whether they are “trapped” in insecure jobs with no bridge to permanent employment (Auer and Cazes 2003). Empirical research has demonstrated that in many instances instead of being a stepping-stone to better work, increasingly young and other workers are confined to precarious jobs (ESOPE 2005, p 103; Shildrick et al. 2010; Working Lives Research Institute 2012, p 100). These forms of work also appear to be expanding. Research in Europe has indicated that the incidence of “precarious employment or low quality jobs” was higher than one quarter in the five countries studied (France, Germany, Italy, Spain, and the United Kingdom) and closer to one-third in Spain (ESOPE 2005, 68). Other advanced economies have witnessed a growth in precarious employment, including Canada and the US (Vosko 2006; Kalleberg 2009), and South Korea has experienced an increase since the financial crisis that has accelerated since 2000 (Shin 2013). While the research has tended to focus on countries with advanced economies, recently the lens of Precarious Work has been used to examine work in lower-income settings. Examining five South and Southeast Asian countries (Indonesia, Thailand, the Philippines, Vietnam, Sri Lanka, and India), Kalleberg and Hewison (2013) found Precarious Work to be spreading throughout the small formal sectors of these economies (ibid., p 397).

### **1.3.2 A contextual model: integrating social location and social context**

Multidimensional models of Precarious Work have highlighted the broad range of labour market insecurities associated with different forms of work and their legal determinants. The Precarious Work literature is also crucial for constructing a robust model of UFW in that it has been developed to account for the social processes and relationships that influence both who becomes a precarious worker and the nature of the work. In order to illuminate these broader social processes, Vosko has integrated social context and social location into a multidimensional contextual approach to Precarious Employment, which she elaborates as,

[W]ork for remuneration characterized by uncertainty, low income, and limited social benefits and statutory entitlements. Precarious employment is shaped by the relationship between employment status (i.e. self-employed or paid employment), form of employment (e.g. temporary or permanent, part-time or full-time) and dimensions of labour market insecurity, as well as social context (e.g. occupation, industry, and geography) and social location (or the interaction of social relations, such as gender, and legal and political categories, such as citizenship). (Vosko 2010, p 2)

The distinctive contribution of Vosko’s conception is its attention to how characteristics of workers interact in specific labour and product markets to produce Precarious Work. It recognises that the form and nature of Precarious Work is context-specific: what forms of work are precarious and in which ways depends upon the economic and social structures of the political systems and labour markets in which they are embedded, while social actors and strategic action also influence the extent to which specific forms of work are precarious (Vosko et al. 2009; Kalleberg 2012; Lee and Kofman 2012; Arnold and Bongiovi 2013). Through the contextual model, it becomes possible to develop an approach to Precarious Work that both encapsulates the insecurity and instability associated with contemporary working arrangements and is broad enough to capture these forms of work across a wide range of economies.

Social location refers to the demographic characteristics of workers whom research has identified as disproportionately found in Precarious Work (Lamphere et al. 1993). Social location is linked to processes of marginalization that undermine social cohesion. Key worker attributes associated with Precarious Work include sex, age, family status, youth, ethnicity, caste, race, immigration status, linguistic group, and skill and ability levels (ESOPE, 2005, p 103; Arnold and Bongiovi 2012). These attributes take on significance in specific labour markets, which are, in turn, shaped by the broader social context. Ascriptive characteristics such as sex, race, ethnicity, and place of origin are used to channel people into Precarious Work. For example, women workers are disproportionately found in Precarious Work, often as a consequence of their care and household responsibilities (Fudge and Owens 2006). Migrant status is also a marker used to match people to jobs, and migrant workers are disproportionately found in work that is considered dirty, dangerous, and demeaning (Anderson 2010; Fudge 2012). A recent study of Precarious Work in the EU found that undocumented migrants generally were found in the most precarious forms of work and female migrants, in particular, are seen as at high risk of being in Precarious Work (Working Lives Research Institute 2012, pp 49-63).

The social context shapes how different groups of workers are positioned in local labour markets in ways that increase the risk of precariousness in work. Central here are regional and local product markets, as well as governance regimes. Sectors such as hospitality, construction, agriculture, retail, personal care and cleaning are associated with job instability, low income, the absence of trade union representation, the lack of job-related benefits, and ineffective or non-existent labour regulation (Evans and Gibb 2009, p 16; Working Lives Research Institute 2012, p 44). Some forms of work arrangement predominate in certain sectors: for example, bogus self-employment in construction and seasonal and casual work in agriculture and hospitality (Working Lives Research Institute 2012, pp 26-27). Small firms with few employees are more likely than large firms to provide jobs with low wages, fewer benefits, and no union representation (Vosko 2006). Unions face considerable challenges in representing workers in small- and medium-sized enterprises (Serrano and Xhafa 2010). Transnational value chains involving goods and people, for example, can shift risks down the chain and onto workers (Anner et al. 2013).

Table 3 outlines key elements of a contextual model of Precarious Work that can be used to develop a predictive account of UFW.

[Table 3 here]

Labour market and social welfare institutions influence whether work is precarious, what forms Precarious Work takes, and how it can be best addressed. Precariousness is both an objective condition and a subjective experience. De facto and de jure exclusion from labour and social protection, for example, contribute to making certain forms of work, such as domestic work, objectively precarious and, therefore, unacceptable (Mantouvalou 2012; Mullally and Murphy 2014). In some cases, the broader social context can alleviate workers' experience of insecurity despite the fact their work arrangements are objectively precarious (Working Lives Research Institute 2012, p 83). Using data from the 2006 Eurobarometer survey, together with country-level data from a variety of sources, Fullerton et al. (2011) found that workers experienced higher levels of insecurity "in those countries with high unemployment, low union density, low levels of part-time and temporary employment, relatively little social spending on unemployment benefits as well as in the post-socialist countries" (Working Lives Institute 2012, p 83). This finding suggests that "flexible

employment practices”, such as casual and part-time work, “do not necessarily cause workers to feel insecure in their jobs” (Ibid). Similarly, the negative consequences of Precarious Work can be exacerbated by the social status of the workers. Vietnam and China, countries in which rural-urban migration is mediated by the household registration system, highlight this connection. A range of significant social goods and entitlements, from access to housing and health care to contract type and union organizing, are dependent upon this system, which is a means of exercising control over internal migrants (Lee and Kofman 2012, p 395; Hewison and Kalleberg 2013, p 400).

Many of the insights from the Precarious Work literature, especially the relationship between work arrangement and social location in creating Precarious Work, have been taken up in the literature on Vulnerable Work, which adds a predictive dimension that is critical for identifying UFW. .

## **1.4 Vulnerability**

The language of Vulnerability has intensified in research and policy literatures over the last decade. This concept now accompanies – and often parallels – the notion of Precarious Work outlined in Section 1.3. The terminology of “vulnerability,” “vulnerable workers” and “vulnerable employment” has had most resonance in the market-oriented regimes of the advanced industrialized economies. These terms began to emerge in the policy debates in Canada and the UK in the mid-2000s (Saunders 2003; Law Commission of Canada 2004; Rittich 2004; Fudge 2005a; Department of Trade and Industry (UK) 2006). Vulnerable work has more recently begun to feature in the research and policy debates in lower-income countries, including in West Africa (Bocquier et al. 2009), Egypt (Mowla 2011) and in the Asian region in the wake of the global financial crisis (e.g. Édes 2009; Hurst et al 2010; Hyunh et al 2010). At the international level, the ILO has proposed a notion of “vulnerable employment” (ILO 2009b, 2010) that was included as one of the four indicators of the “Decent Work target” in the Millennium Development Goals (Target 1.7 - see further Section 1.1 above). Echoing the Precarious Work literature, models of Vulnerability have been refined to embrace more expansive models, centrally by recognising a continuum of Vulnerability and by integrating social location and social context. This literature is particularly valuable in offering crucial insights for the investigation of UFW, and the factors that generate these forms of work, by pointing to a predictive model of UFW.

### **1.4.1 Towards a continuum of Vulnerability**

Research on vulnerability has mirrored the evolution of the Precarious Work literature by progressing from constrained models - centred on a narrow set of characteristics - to more expansive typologies. Underpinning the concept is a recognition of the power relations inherent in the wage-work bargain. The UK TUC Commission on Vulnerable Employment definition, for example, refers to “precarious work that places people at risk of continuing poverty and injustice resulting from an imbalance of power in the employer-worker relationship” (TUC Commission on Vulnerable Employment 2008, p 12); Bewley and Forth view adverse treatment as “one possible (although not inevitable) consequence of the power imbalances which may exist within the employment relationship” (2010, p 1); and Fudge has noted that use of the language of Vulnerability by the Canadian Supreme Court has emphasized the dependency of the employee (Fudge 2005).

Yet the early classifications of vulnerable work tended to hinge on a small set of discrete job characteristics, centrally wages, union representation, and the duration of the employment contract. Hudson (2006), for example, identified the vulnerable as those earning below one-third of median hourly wages who do not have their terms and conditions negotiated by a trade union. The ILO definition is also fairly narrow: it relies on employment statuses drawn from the *International Classification by Status in Employment* (ICSE)<sup>13</sup> to define vulnerable workers as (1) own-account workers<sup>14</sup> and (2) contributing family workers<sup>15</sup> (ILO 2009b, 2010). These earlier concepts of Vulnerability have the merit of being relatively easy to operationalize for measurement and have been used in efforts to estimate the size of the vulnerable workforce. The findings suggest that a fairly substantial segment of the global workforce is in a position of vulnerability. In the UK, for example, Hudson estimated one-fifth of employees (5.3 million) to be encompassed by its definition of vulnerable work<sup>16</sup> (2006, p 7), while the ILO has estimated that vulnerable work accounts for half of global employment (50.1 per cent), or around 1.53 billion workers (ILO 2012b).

Conceptions of vulnerable work have since become more elaborate. Underpinning this expansion is a conceptual shift that recognizes that Vulnerability is best conceived of as existing on a continuum. As Bewley and Forth have commented,

It is apparent that vulnerability should be considered a continuum, rather than a discrete state and that an individual's position on that continuum is likely to be determined by a wide range of factors, both within and outside the workplace. (2010, p 5)

In light of this recognition of Vulnerability as a continuum, more expansive conceptions of vulnerable employment have been developed. The more refined of the available models are capacious and therefore able to embrace a wide range of substantive job factors and broader dimensions of working life, such as access to benefits. Regulatory determinants are also particularly prominent. In this regard, vulnerable work has been elaborated to embrace circumstances in which the worker is (1) unaware of his or her legal entitlements; (2) unable to enforce those entitlements due, for example, to limited access to legal fora; or (3) unlikely to enforce legal entitlements or to complain if rules are violated (e.g. Saunders 2003; Department of Trade and Industry (UK) 2006; Weil 2009). This approach chimes with recent research efforts that reveal the significance of enforcement mechanisms to the effective functioning of labour market regulatory frameworks (Piore and Schrank 2008; Pires 2011; Weil 2008; Howe et al. 2013). As a result, the most refined models of Vulnerability have the capacity to capture the modes of informalization dominant in the advanced industrialized economies, and in particular the ineffective enforcement of statutory labour standards.

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<sup>13</sup> *International Classification by Status in Employment* (ICSE) as revised at the 15<sup>th</sup> International Conference of Labour Statisticians in 1993 (International Conference of Labour Statisticians 1993).

<sup>14</sup> "Own account workers" are defined as "those workers who, working on their own account or with one or more partners, hold the type of jobs defined as a 'self-employment job' (i.e. jobs where the remuneration is directly dependent upon the projects derived from the goods and services produced), and have not engaged on a continuous basis any employees to work for them," *ibid*.

<sup>15</sup> "Contributing family workers" are defined as "those workers who hold 'self-employment jobs' as own-account workers in a market-oriented establishment operated by a related person living in the same household," *ibid*.

<sup>16</sup> The definition covers employees: (1) in the bottom third of the hourly income distribution; and (2) whose pay and conditions are not determined by a union agreement (Hudson 2006, p 6, Table 1).

Table 4 illustrates the range of dimensions of Vulnerability that have been identified in the recent research literature.

[Table 4 here]

### 1.4.2 Vulnerability as a predictive model

At the core of the Vulnerability literature is a quest to capture the potential for poor employment outcomes. Definitions of vulnerable work are tailored to this objective. Thus the UK Department of Trade and Industry defines a vulnerable worker as “someone working in an environment *where the risk of being denied employment rights is high* and who does not have the capacity or means to protect themselves from that abuse” (p 25, emphasis added; see also Bewley and Forth 2010, p 1; TUC Commission on Vulnerable Employment 2008, p 12). In pursuit of this outcome, similarly to the Precarious Work literature, notions of Vulnerability have been developed to encompass both the social location of the worker and the social context of the labour relation. The outcome are models of Vulnerability that are instructive for the design of research and policy interventions on UFW, in particular for their embrace of dimensions of social location and social context associated with work in low-income economies. Thus Bewley and Forth identify five features that “may be expected to make the adverse treatment of employees by their employers either more or less likely”<sup>17</sup>: (1) the external labour market; (2) the external product market; (3) the employer or firm; (4) the job; and (5) the employee (2010 p 5).

Animated by these definitions, the more sophisticated models of Vulnerability suggest predictive methodologies for identifying demographic characteristics and labour market locations that are at risk of generating UFW. These models reveal the vulnerable to be disproportionately located among low-skilled workers and members of historically disadvantaged groups (including women, recent immigrants, ethnic minorities, aboriginal peoples, young workers, and workers with disabilities) (Fudge 2005; Hurst et al 2010; Law Commission of Ontario 2012; Asian Development Bank 2013). Through statistical analysis of nationally-representative survey data drawn from the Fair Treatment at Work Survey (FTWS) 2008, Bewley and Forth (2010) found conventional measurements of Vulnerability based on job characteristics to be less informative about vulnerability to adverse treatment than the characteristics of the worker. The Asian Development Bank has highlighted that Vulnerability in the wake of the global crisis is centred among young urban workers, migrants, and informal workers (Édes 2009). In Egypt, Mowla (2011) has found the primary determinants of Vulnerability<sup>18</sup> to include gender and education. Similarly, Sparreboom and Gier (2008), in their comparative study of Pakistan, Namibia, and Brazil, found the determinants of vulnerable employment to include gender (female), youth, and low educational attainment.

Notions of Vulnerability also integrate social context by embracing the characteristics of the product and labour markets in which a job is located. Weil (2009) has investigated the sectoral distribution of workplace Vulnerability in the US, finding it to be concentrated in a small number of sectors: retail, food and drinking services, accommodation (hotel and motel), agriculture, retail and leisure, and hospitality. Weil argues that the complex constellations of firms in these sectors help to shape the dynamics of Vulnerability, which are also attributable

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<sup>17</sup> “Adverse treatment” is defined by reference to a range of legal and non-legal rules (statutory rights, company rules, moral standards), p 3.

<sup>18</sup> Mowla adopts the ILO definition of vulnerable employment.

to the growing use of arrangements that distance the worker from the hirer of his or her labour: subcontracting, temporary employment, self-employment, and third party management (ibid). Similarly, in the Asian region, Hurst et al. (2010) have found vulnerable workers in value chain sectors to be particularly likely to be hired through temporary agencies.

## **1.5 Informal Work**

Labour economists and development specialists have linked Informal Work with poverty, low job quality, and insecurity (Chen 2007; Kucera and Xenogiani 2009). Yet in many countries, particularly those with developing and transitional economies, the informal economy has been the main source of employment growth (Bacchetta al. 2009). It is crucial, then, for initiatives on UFW accurately to conceptualize Informal Work if they are to capture the particular dynamics of UFW in low-income countries. To this end, the literature has in recent years generated refined conceptions of Informal Work, which capture an expanding range of forms of informality and increasingly help to clarify those forms that are unacceptable.

### **1.5.1 Informality: a job-centred definition**

The concept of Informal Work has considerably evolved over recent decades to more firmly align with the realities of working life in low-income settings (Carré and Heintz 2013; Hill 2010; Routh 2011; Chen 2012; Carré, and Heintz 2013; Williams and Lansky 2013). The ILO's original definition was developed in the context of assisting national statistical offices to collect data on employment within the 'informal sector.' As a consequence, the definition of informality is enterprise-centred, capturing both the type of enterprise and its legal status (ILO, 2012). The *Resolution concerning statistics of employment in the informal sector*, adopted by the 15<sup>th</sup> International Conference of Labour Statisticians (ICLS) in 1993, set out guidelines for defining the informal sector (ILO 1993) that focused on certain types of establishment and captured important dimensions of Informal Work. However, it missed key manifestations. By excluding the formal sector, for example, the enterprise-centred definition misses forms of informal employment, such as zero-hours contracts or bogus self-employment, that are not confined to the informal sector (ILO 2012b, p 20). Nor does this definition capture work within private households or subsistence activities such as farming and fishing (Williams and Lansky 2013).

Recognising these limitations, in 2002 the International Labour Conference adopted the *Resolution concerning decent work and the informal economy*. The *Resolution* used the term "informal economy" to refer to "all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements" (ILO 2002, para 3). This definition has since guided the work of the ILO, including in the recent standard-setting exercise on *Transition from the informal to the formal economy*.<sup>19</sup> Subsequently, and in part in response to the *Resolution*, the International Labour Office (ILO), the International Expert Group on Informal Sector Statistics, and the global network Women in Informal Employment: Globalizing and Organizing (WIEGO) collaborated by developing a job-centred specification of 'informal employment,' to complement the 1993 definition of the informal sector. Drawing on these efforts, in 2003 the 17<sup>th</sup> ICLS adopted *Guidelines concerning a statistical definition of informal employment* that were job-centred

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<sup>19</sup> Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), Paragraph 2(a). See also ILO 2013f.

(ILO 2003; see Chen 2012; ILO 2012b).

The benefit of the job-centred definition of informal work for conceptualizing UFW is that it captures the wide diversity of informal employment across countries at every level of development. Under the 2003 *Guidelines*, informal forms of employment include self-employment in the informal sector and informal jobs in the formal sector. Thus, it is sensitive to informalization: “the process by which employment is increasingly unregulated and workers are not protected by labour law” (Benjamin 2011, p 99). Across Latin American countries, informalization has led to a growing reliance on precarious forms of survival (Benería 2001), and in India and Africa, growing numbers of workers in the very small formal sectors are not protected by labour law (Benjamin 2011; Sankaran 2012; Maiti 2013; Heintz and Valodia 2008; Chen and Doane 2008). In industrialized countries, the link between labour market flexibility and informalization initially observed by Castells and Portes was taken up by Standing (1999, p 585), who has identified an informalization of employment such that “a growing proportion of jobs possess what may be called informal characteristics, i.e. without regular wages, benefits, employment protection, and so on.” The job-centred definition also permits more accurate estimates of the extent of informal work. Using this definition, the ILO (2012) found informal employment to represent at least two thirds of non-agricultural employment in 15 out of 47 medium- and low-income countries.

### **1.5.2 Unacceptable Informal Work**

In its 2013 “White Report” on *Transitioning from the informal to the formal economy*, the ILO acknowledged that workers in the informal economy differ widely in terms of factors such as income, employment status, type and size of enterprise, urban/rural location etc. (ILO 2013f, para 1.1.1.6). Despite this variety, however, a globally applicable rendition of UFW demands the identification of features that render certain forms of Informal Work unacceptable.

Women in Informal Employment Global Organizing (WIEGO) has begun to develop markers for informal employment, which are designed to help identify which forms have a high degree of exposure to economic risk. These indicators were developed to apply to all types of work arrangement in the full range of enterprises (small, large, formal/informal) (Carré and Heintz 2013, p 9). A provisional list of markers has been developed, which are set out in Table 5.

[Table 5 here]

By combining these markers with notions of Vulnerability that incorporate social location and social context, it is possible to identify forms of Informal Work that are unacceptable. In a discussion of recent trends in global employment, for example, the ILO (2014b, p 24) recounted that the risk of informality is higher for women, young and the self-employed. In their review of the literature on informal employment in Africa, Heintz and Valodia (2008) also found, in those countries that disaggregate statistics by sex, that a larger share of women’s employment was in the informal sector. In India, rural workers who migrate to urban areas are overrepresented amongst own-account workers, such as street vendors and waste pickers, who have no access to labour and social protection (Sankaran, Sinha and Madhav nd). Child labour also tends to predominate in the informal economy, in particular in Asia and the Pacific and Sub-Saharan Africa (ILO 2013b).



## 1.6 Forced Labour

The global struggle to eliminate Forced Labour is fundamental to the protection of workers from UFW. It is axiomatic that all forms of Forced Labour are unacceptable. Forced Labour undermines human dignity and violates fundamental human rights. The principles embodied in the ILO instruments<sup>20</sup> are almost universally accepted and endorsed, are a key part of the fundamental rights of human beings (ILO 2007), and overlap with other international human rights instruments that prohibit exploitative and coercive practices.<sup>21</sup> The presence of Forced Labour is therefore a universal boundary on acceptable work. Further, the definition and indicators that have evolved to capture Forced Labour in all of its forms provide a great deal of assistance in identifying UFW, in particular by conceptualizing Forced Labour as a continuum and integrating social context and social location.

### 1.6.1 The continuum of Forced Labour

Forced Labour is defined expansively in Article 2(1) of the Forced Labour Convention, 1930 (No. 29) as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (a definition recently reaffirmed in the 2014 Protocol to Convention No. 29<sup>22</sup>). Although Forced Labour takes a wide variety of different forms, its distinguishing features are coercion, control, and deception. Forms of Forced Labour,

.... displa[y] many common features: perpetrators prey on vulnerable people who are unorganized and unable to defend and protect themselves; the means of coercion used may be overt in the form of physical restrictions or violence, but are often more subtle, involving deception and threats; and manipulation of wages, advance payments and debts for illegal job-related costs is widespread. Unclear or disguised employment relationships, particularly in the informal economy, represent a particular risk factor. Gaps in national legislation and law enforcement, and in coordination between countries, facilitate the crime. (ILO 2014c, p 2)

The ILO has provided greater precision in the application of the concept of Forced Labour by developing indicators that can be used to identify it (see Table 6 below). These indicators treat Forced Labour as a spectrum of activities that range from more to less coercive and exploitive and include restriction of movement, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working conditions and excessive overtime. Thus the 2009 ILO Report on the *Cost of Coercion* identified a continuum of exploitation “including both what can clearly be identified as Forced Labour and other forms of labour exploitation and abuse” (ILO 2009a, pp 8-9).

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<sup>20</sup> Forced Labour Convention, 1930 (No. 29), Abolition of Force Labour Convention, 1957 (No. 105); Protocol of 2014 to the Forced Labour Convention 1930.

<sup>21</sup> The United Nations has adopted a number of human rights instruments that contain standards and principles related to Forced Labour that include the Universal Declaration of Human Rights (1948), Articles 4, 23(1); the International Covenant on Civil and Political Rights (1966), Article 8; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Article 11(2); the Convention on the Rights of Persons with Disabilities (2006), Article 27(2)). The prohibition of forced or compulsory labour in all its forms is also considered to be a peremptory norm of international human rights law.

<sup>22</sup> Protocol of 2014 to The Forced Labour Convention, 1930 (No. 29), Article 1(3).

[Table 6 here]

The continuum model was also adopted in a report, commissioned by the Joseph Rowntree Foundation, by Skrivankova (2010), which argues that this approach,

...captures not only the complex combination of situations that exist between decent work and forced labour (an environment that permits the existence of sub-standard working conditions), but also an individual's work situation, as it evolves over time. The continuum of exploitation aids understanding of the persistent problem of the changing reality of work, captures various forms of exploitation up to forced labour and assists in identifying ways of addressing it. (p 18)

Given these attributes, the continuum paradigm - as in its presence in recent models of Vulnerability (see Section 1.4 above) - is also crucial to developing a convincing concept of UFW. Centrally, it captures the extent to which both individual work profiles and labour markets are not static, but dynamic, and in particular that working lives can slide into unacceptability. The continuum model is also compatible with drawing distinctions regarding degrees of unacceptability. In part because of this quality, the model can be used to evaluate work across a range of different political economies.

### **1.6.2 Vulnerability to Forced Labour**

The continuum paradigm helps to illuminate that a wide range of factors determines vulnerability to Forced Labour. In this regard, the literature on Forced Labour aligns with that on Precarious Work and Vulnerability by appreciating the significance of the worker's social location and the social context of the working relationship (see Section 1.3.2 above). These dimensions are highlighted, for example, in the Preamble to the 2014 Protocol, which, in observing that the number of workers who are in forced or compulsory labour in the private economy has increased, recognizes "that certain sectors of the economy are particularly vulnerable [and] that certain groups of workers have a higher risk of becoming victims..."<sup>23</sup> Notions of vulnerability to Forced Labour that embrace characteristics of the worker and of the product and labour markets in which they work have assisted in identifying the groups of workers who find themselves in Forced Labour and the sectors in which this mistreatment prevails.

The research has revealed that, although anyone can be a victim of Forced Labour, members of the most vulnerable groups (such as children, migrant workers, domestic workers, agricultural workers, workers in informal employment, and members of indigenous communities) are the worst affected (ILO 2014c). There are a number of factors that increase this vulnerability, including "discrimination and social exclusion, the lack or loss of assets (including land) and of local jobs or alternative livelihoods, and inadequate skills or access to formal credit and social protection systems, which may be related to gender or indigenous status" (ILO 2014c, p 26). Several ILO standards embrace social location by explicitly prohibiting Forced Labour or related practices among specific categories of vulnerable workers. The Worst Forms of Child Labour Convention, 1999 (No. 182), for example, prohibits "all forms of slavery or practices similar to slavery, such as the sale and trafficking

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<sup>23</sup> Protocol No. 29, Preamble.

of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict,”<sup>24</sup>; and the Domestic Workers Convention, 2011 (No. 189) calls for measures to respect, promote, and realize the fundamental principles and rights at work in relation to domestic workers, including the elimination of all forms of forced or compulsory labour.<sup>25</sup>

The research on migration has highlighted extreme vulnerability, with almost half of all victims ending up in Forced Labour following movement within their country (15 per cent) or across international borders (29 per cent) (ILO 2014c, p 1-2). Several factors, either individually or combined, make migrants vulnerable to Forced Labour including dependency on recruiters for information and access to migration channels, immigration status and ability to obtain lawful residence, and physical as well as psychological isolation (Anderson and Rogaly 2004, 43; ILO 2013c). Vulnerability to Forced Labour also increases when individuals, such as many domestic workers, are subject to multiple forms of dependency on employers (including for housing, food, and work permits). Specific factors also affect children, including the practice of sending them to live with relatives in urban centres, the lack of local schools, and low educational expectations for girls. The manipulation of credit and debt, either by employers or recruiting agents, is a key factor in entrapping vulnerable workers in Forced Labour situations (ILO 2009a, para. 40).

In tracing the pertinence of the social context in which Forced Labour is embedded, the sectoral dimension is prominent. The literature reveals Forced Labour to be particularly widespread in domestic work, agriculture and horticulture, construction, garments and textiles, catering and restaurants, entertainment, and the sex industry – industries that lend themselves to abusive recruitment and employment practices (ILO 2005, p 250). It is also associated with the business models and practices characteristic of these sectors (Allain et al. 2013). Long and complex supply chains involving multiple subcontractors, or spanning several locations or countries, present challenges to enforcing labour law and thus provide a fertile ground for Forced Labour to take root. Business practices that “include excessive pressure on employers to cut costs, especially in labour intensive industries, or unrealistic production deadlines or targets imposed by buyers” also contribute to Forced Labour (ILO 2014c, p 26). The role of labour market institutions has been highlighted. In the Report *Strengthening Action to End Forced Labour*, for example, the ILO emphasized the link between Forced Labour and multiple simultaneous violations of labour law (ILO 2014c, pp 9-10).

Because the continuum approach has the capacity to account for the processes that influence both who becomes engaged in unacceptable work and the nature of that work, it is instructive for crafting a convincing model of UFW. In particular, it is useful for research and policy interventions on UFW in that it can capture the potential for poor outcomes. This approach can therefore be drawn on to craft predictive methodologies that can identify the kinds of conditions and features that risk generating UFW and is returned to in Section 2.2 below.

## **2. Towards a Multidimensional Model of UFW**

Section 1 surveyed a set of academic and policy discourses on working life, reconceptualizing each to expose their pertinence to developing a convincing analysis of

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<sup>24</sup> Article 3(a).

<sup>25</sup> Article 3(2).

UFW. The contention was that each discourse conveys crucial – and often converging – insights on contemporary working relations that illuminate the conditions and features that make work unacceptable. These insights can be drawn on to generate a novel model of UFW.<sup>26</sup>

The central feature of the Model set out in this article is that it elaborates UFW as a multidimensional concept. In this regard, the Model reflects the evolution of a number of the literatures identified in Section 1 from relatively narrow foci – centred on a limited range of characteristics – to more expansive typologies that recognize continuums of unacceptability. The Multidimensional Model is designed to capture the complexity of unacceptability in contemporary working life. It provides a common system of coordinates, similar to latitude, longitude, and elevation in physical geography, which can be used to map the contours, extent and magnitude of UFW across a wide variety of terrain. The Model is also designed as a diagnostic tool to be used by local policy-makers and researchers to construct models of UFW that are suited to regional, national, sectoral or occupational contexts.

In this Model, UFW are configured as those jobs that must urgently be improved or eliminated. Yet UFW are not conceived of as either static or uniformly universal. The Model identifies globally applicable ‘worst forms’ of work, such as Forced Labour and child labour, through a set of fundamental indicators of UFW (see further Section 2.1.2 below). The Model is sensitive to socio-economic context and it is assumed that the manifestations of UFW will vary from country to country, in substance, magnitude and extent. This conception of UFW therefore posits a continuum from UFW to Decent Work. By configuring UFW on a continuum, it indicates the need to improve on a range of dimensions while also allowing dynamic choices on priorities. Within this continuum, an intermediate category of jobs is recognized that do not fully reach the standard of Decent Work, since they harbour elements of unacceptability that should be addressed. The Multidimensional Model sketches a route through this intermediate zone.

In addition to assessing the forms of work that are unacceptable in a given context, any effective policy must be able to be used to identify the locations of UFW. Drawing upon the Precarious and Vulnerable Work discourses (discussed in Sections 1.3 and 1.4 respectively), it is possible to identify supply, demand, and institutional features of specific labour markets and regulatory contexts that are associated with UFW. As is discussed below in Section 2.2, local actors can utilize these indicia in identifying the presence of UFW.

The Multidimensional Model therefore captures (1) the range of substantive features of UFW (the set of risks to which workers may be exposed); (2) the magnitude of any particular risk, including its extent in the labour force and patterns such as concentration among certain groups of workers or in certain sectors; and (3) the sites of effective intervention. Elements (1) and (2) of the Model are explored in the remainder of this piece and (3) is examined in a linked article (Fudge and McCann forthcoming).

## **2.1 The substantive dimensions of UFW**

The Multidimensional Model of UFW diverges from the typologies assessed in Section 1 in that it is explicitly designed to be globally applicable. The Model is designed to support

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<sup>26</sup> The model has also been informed by the valuable discussions at the *Expert Workshop on the Possible Use of the Delphi Methodology to Identify Dimensions and Descriptors of Unacceptable Forms of Work*, ILO, Geneva, 11-12 November 2013.

policy interventions in countries at a range of levels of development by allowing policy-makers to discern UFW in the relevant socio-economic context. To this end, it identifies a set of substantive dimensions of unacceptability and related indicators that can be drawn on by policy actors to identify whether a particular form of work is unacceptable and to construct typologies of UFW suited to local contexts.

### **2.1.1 The 12 dimensions of unacceptability**

The Model identifies 12 dimensions under which unacceptability can emerge (Table 7).

[Table 7 here]

These dimensions of UFW compose a broader model than earlier conceptions of unacceptability that are centred exclusively at the level of the job. The Multidimensional Model captures the range of dimensions of working life, including the nexus of work and community life (D11), social protection (D8), collective (D6) and individual aspects, job content (D12), the degree of legal protection afforded to workers (D10) and the four fundamental principles and rights at work (D1, D6, D7, D9).

To facilitate global applicability, the Dimensions are elaborated irrespective of organizational or institutional origins. In certain settings, for example, health care (D8) is a contractual entitlement of employment, while in others it is a universal state entitlement. More broadly, no particular institutional arrangements are assumed to generate UFW (except for the absence of effective enforcement and implementation of legal standards (D10)). Nor does the Multidimensional Model assume that any contractual or temporal form of employment inevitably generates unacceptable outcomes.<sup>27</sup> The Model therefore both recognizes that not all forms of employment that deviate from the standard employment relationship are unacceptable and captures unacceptability that is encased in a standard-form job. A similar observation can be made about the treatment of Informal Work, which is not assumed in this Model to be inevitably or uniformly deleterious. Informality is not identified as a distinct dimension, to recognize that informalization is a dynamic process rather than a static outcome (see further Section 1.5 above).

Finally, building on the earlier analysis of Decent Work in Section 1.1 above, the model is also a normative model, in that it can readily be mapped to existing regulatory schema, including the international labour standards (for a full elaboration of the linkages between the Multidimensional Model and the international standards, see Fudge and McCann 2015, pp 48-51).

### **2.1.2 A dynamic model: the fundamental and supplementary indicators**

Conceptions of UFW must allow for a degree of variation to respond to socio-economic and cultural contexts. Moreover, the incidence and magnitude of UFW differs from country to country and often depends upon levels of economic development, political governance structures and the health of civil society as well labour market institutions and social actors, especially the social partners. In light of this complexity, it is crucial to activate local knowledge.

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<sup>27</sup> The exception is day labour in Dimension 4 (D4).

This Multidimensional Model is sufficiently flexible to take into account the contingent nature of unacceptability while recognising a core of basic and universal human rights. To this end, each substantive dimension of UFW is categorized into a set of indicators (see Table 6 above).

Certain indicators are designated as fundamental. These are starred in the typology in Table 1 (\*). The fundamental indicators identify work that is entirely unacceptable (e.g. coercion, risks to safety, health and wellbeing, inadequate or insecure payments). These indicators would therefore be expected to feature in all national and sectoral typologies of UFW and to indicate the sites of the most urgent policy interventions. The other – supplementary – indicators are assumed to be context-specific and linked to levels of development.

UFW is therefore a contextual model. The designation of fundamental and supplementary indicators allows the Model to be adjusted as relevant to a range of settings. The Model is also dynamic. The fundamental and supplementary indicators present a path for national policy actors incrementally to refine economic and labour strategies towards the phased elimination of UFW. Under D10, for example, institutional deficiencies – legislative exclusions and flaws in implementation and enforcement mechanisms – are expected to be remedied before information deficits are tackled (lack of information on legal rights, absence of express contracts). Similarly, under D11 the expectation is that the most urgent protections on the birth of a child (maternity leave and protection) will be introduced prior to the entitlements that underpin broader elements of family and community life. The model also accommodates the inclusion of additional indicators.

## **2.2 Gauging the magnitude and complexion of UFW: the role of local policy actors**

It was noted earlier that the magnitude of UFW is contingent upon a range of socio-economic, governance and labour market factors. The conclusion was that such complexity requires that policy actors and researchers at local level play the central role in mapping UFW, and in identifying priorities for intervention.<sup>28</sup> These bodies are expected to include government agencies, the social partners and civil society groups that speak for key constituencies.

In this role as a diagnostic tool, the Multidimensional Model can also be used to discern patterns and practices that are common to UFW such as concentration among certain groups of workers or in certain sectors. As discussed in Section 1.3, members of groups that are differentiated along status markers such as sex and caste or migration status are more likely to be found in UFW, and certain types of work – such as Informal Work and Forced Labour – are more likely to be unacceptable. The Multidimensional Model of UFW is attentive to the identities of working populations, to labour markets, and to the ways in which they interact to produce UFW. It draws upon the above analyses of Precarious Work, Vulnerability, Informal Work and Forced Labour to embed a predictive methodology that identifies demographic characteristics and labour market locations at risk of generating UFW. Having applied the substantive indicators outlined in Section 2.1 to determine the presence of UFW, local actors are then relied on to identify patterns such as the concentration of UFW among certain groups of workers or in certain sectors.

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<sup>28</sup> A similar approach is reflected in the Worst Forms of Child Labour Convention, 1999 (No. 182). Article 4(1) requires governments to consult with organizations of employers and workers to identify the worst forms of child labour.

The typology outlined in Table 7 accounts for these social processes and relationships that shape who becomes involved in UFW and the nature of the work.

[Table 7 here]

As with the substantive dimensions of unacceptability outlined in Section 2.1, the categories listed are intended to be indicative and assumed to vary in significance according to local circumstances. Policy actors can draw upon the typology to determine which elements are most pertinent to the local presence of UFW.

## **Conclusion**

This article has revisited academic and policy literatures that – according to diverging criteria – identify and categorize central dimensions of working life as either desirable or unacceptable. The contention was that each of these literatures conveys insights on contemporary work that help to construct a robust conception of UFW: one that can be operationalized by policy-makers to design targeted social and economic policies that eliminate, replace, or improve unacceptable jobs.

These typologies, with significant adjustments, have been drawn on to propose a novel Multidimensional Model of UFW. The central feature of this Model is that it presents UFW as a multifaceted concept, capable of capturing the diversity and complexity of UFW as it emerges in different settings. The Model recognises that what is perceived as unacceptable work can vary according to socio-economic and cultural context, and that the nature and extent of UFW in each setting is contingent upon a range of factors. In this way, the Model is applicable to countries at a range of levels of development.

Under the Multidimensional Model, local policy-makers and researchers are expected to play the central role in mapping UFW. The Model relies on local actors to assess the incidence and magnitude of each form of UFW and to determine priorities for intervention. It identifies twelve substantive dimensions under which unacceptability can emerge, each elaborated as a set of indicators that are designated as either fundamental or supplementary. This classification renders the Multidimensional Model capable of generating typologies that are relevant to a range of countries and sub-national settings. The Model also integrates a predictive methodology that identifies a set of demographic characteristics and labour market locations that are at risk of generating UFW and that can be used to discern patterns of concentration among certain groups of workers or in certain sectors. Through these features, the Multidimensional Model is available to aid policy-makers in designing targeted social and economic policies that aim to eliminate, replace, or improve unacceptable jobs.

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## Tables

*Table 1 Working time dimensions of decent work*

<b>Weekly hours</b> <ul style="list-style-type: none"><li>• 40 hours</li><li>• 48 hours including overtime</li><li>• 24 hours weekly rest</li></ul>
<b>Daily hours</b> <ul style="list-style-type: none"><li>• 8 hours</li></ul>
<b>Night hours</b> <ul style="list-style-type: none"><li>• e.g. right to transfer when unfit</li><li>• additional compensation</li></ul>
<b>Annual leave</b> <ul style="list-style-type: none"><li>• 3 working weeks</li></ul>

*Note:* Entitlements drawn from Conventions 1, 14, 30, 47, 106, 132. Conventions classified by the ILO as revised, outdated, shelved or withdrawn are excluded. See further <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/international-labour-standards-creation/lang--en/index.htm>.

Table 2      *Good jobs: a multidimensional model*

<p><b>Wages and payment systems</b></p> <ul style="list-style-type: none"> <li>• Payment satisfies basic needs</li> <li>• Fringe benefits satisfy basic needs (e.g. health, insurance, pensions)</li> <li>• Pay enhancements (e.g. compensation pay, group pay)</li> </ul> <p><b>Security</b></p> <ul style="list-style-type: none"> <li>• Job security</li> <li>• Pay security</li> <li>• Open-ended contracts</li> <li>• Degree of control over job determination</li> </ul> <p><b>Working time</b></p> <ul style="list-style-type: none"> <li>• No long working hours</li> <li>• Predictable hours</li> <li>• Choice over hours</li> <li>• Flexibility to deal with non-work obligations</li> </ul> <p><b>Work organization</b></p> <ul style="list-style-type: none"> <li>• Task discretion</li> <li>• Task control</li> <li>• Sufficient demands (e.g. task complexity , cognitive demands)</li> <li>• Manageable workloads</li> <li>• No intense physical demands</li> </ul> <p><b>Skills and development</b></p> <ul style="list-style-type: none"> <li>• Opportunities for skill development</li> <li>• Opportunities for training</li> <li>• Opportunities for promotion</li> </ul> <p><b>Voice and representation</b></p> <ul style="list-style-type: none"> <li>• Consultation or voice opportunities</li> </ul>
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Notes: These job dimensions are derived, with slight adaptation, from Holman (2013). The factors identified under each dimension are drawn from Parker and Wall 1999; Bryson et al 2004; Wooden 2004; Humphrey et al 2007; Parent-Thirion et al 2007; Podsakoff et al 2007; Gallie 2013; Holman 2013.

*Table 3      A contextual model of precarious work*

Social Location
<ul style="list-style-type: none"><li>• Demographic characteristics of the workers</li><li>• Citizenship status</li><li>• Family formation and household composition</li></ul>
Social Context
<ul style="list-style-type: none"><li>• Occupation</li><li>• Industry</li><li>• Sector</li><li>• Geographic location</li></ul>
Work Arrangement
<ul style="list-style-type: none"><li>• Work or employment status</li><li>• Form of Employment</li><li>• Job Security</li><li>• Pay</li><li>• Benefits (social or occupational)</li><li>• Coverage by labour law</li><li>• Union representation</li></ul>

Sources: Vosko 2010; Arnold and Bongiovi 2013; Kalleberg 2012; Lee and Kofman 2012.

Table 4 *Dimensions of vulnerability*

<p><b>Contractual Status</b></p> <ul style="list-style-type: none"> <li>• Part-time</li> <li>• Self –employment</li> <li>• Temporary contracts (fixed-term, casual etc)</li> <li>• No written contract</li> <li>• Subcontracted</li> </ul> <p><b>Legal protection</b></p> <ul style="list-style-type: none"> <li>• Exclusion</li> <li>• Low awareness</li> <li>• Limited access to redress mechanisms</li> <li>• Unlikely to complain</li> </ul> <p><b>Social context</b></p> <ul style="list-style-type: none"> <li>• Sector</li> <li>• Labour market</li> <li>• Product market</li> <li>• Firm size</li> </ul> <p><b>Social location</b></p> <ul style="list-style-type: none"> <li>• Age</li> <li>• Gender</li> <li>• Financial circumstances</li> <li>• Skill level</li> <li>• Immigration status</li> <li>• Ability</li> <li>• Ethnicity</li> </ul> <p><b>Limited access to benefits</b></p> <ul style="list-style-type: none"> <li>• Health care</li> <li>• Sick leave</li> <li>• Vacation pay</li> <li>• Pension coverage</li> <li>• Access to training</li> <li>• Representation/voice</li> </ul> <p><b>Working conditions</b></p> <ul style="list-style-type: none"> <li>• Insufficient hours</li> <li>• Low/unpredictable wages</li> <li>• Deductions/unpaid work</li> <li>• Abuse/discrimination</li> <li>• Control over working conditions</li> </ul>
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Sources: Saunders 2003; TUC 2008; Weil 2009; Bewley and Forth 2010; Law Commission of Ontario 2012.

Table 5            *Markers of informality*

- Unemployment insurance/income replacement (for wage workers, at this point not for the self-employed)
- Health insurance
- Pension coverage (with subsidy from employer, from the state)
- Rights under employment and labour law (coverage)
- Paid time off (e.g. vacation days, sick days, holiday pay)

Source: Carré and Heintz (2013)

Table 6            *Forced labour indicators*

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive working and living conditions
- Excessive overtime

Source: ILO (2012b)

Table 7            *The substantive dimensions of UFW*

<b><u>Dimension 1.</u></b>	<b><u>Forced labour</u></b>
*Worker subject to forced labour (including slavery, debt bondage, trafficking in persons, forced prostitution, forced overtime etc.)	
<b><u>Dimension 2.</u></b>	<b><u>Health and safety</u></b>
*Risk to health and wellbeing (physical and mental)	
<b><u>Dimension 3.</u></b>	<b><u>Income</u></b>
*Inadequate payment (too low to satisfy basic needs);	
*Insecure payments (e.g. wage arrears, irregular payments, unjustified deductions, performance of unpaid work, illegitimate/excessive recruitment fees, etc.)	
<b><u>Dimension 4.</u></b>	<b><u>Security</u></b>
*Day-labour (casual contracts, zero hours contracts etc.);	
Insecure employment (no certainty of continuing employment, termination is possible without a valid reason or without procedural or other protections);	

No prospects for promotion;  
No opportunities for skill development or training.

**Dimension 5.**                      **Working time**

\*Excessive weekly hours;  
\*Weekly rest of less than 24 hours;  
\*Insufficient daily rest/family/community time;  
\*Forced overtime;  
\*Insufficient hours (too few to satisfy basic needs);  
\*Unprotected night work (no health assessments, no capacity to transfer in essential circumstances, no additional compensation etc.);  
\*Paid annual vacation of less than 3 working weeks;  
Unpredictable schedules;  
Lack of influence over working hours (including the flexibility to deal with family and community obligations);  
Insufficient rest breaks during the working day.

**Dimension 6.**                      **Representation and voice mechanisms**

\*The right to freedom of association, the right to organise and the right to collective bargaining are not respected’;  
Lack of consultation, denial of participation, or failure to provide voice mechanisms.

**Dimension 7.**                      **Child labour**

\*Child labour.

**Dimension 8.**                      **Social protection** (health care, pension coverage, paid sick leave, Unemployment insurance etc.)

\*Social protection inadequate to satisfy basic needs.

**Dimension 9.**                      **Equality, human rights and dignity** (irrespective of gender, ethnicity, race, nationality, caste, family status, age, disability, religion, sexual orientation, indigenous identity, HIV-status, trade union affiliation and activities, political opinion, contractual status/working arrangements etc.)

\*Discrimination in working life (including access to education and vocational training);  
\*Unequal pay for work of equal value;  
\*Abuse, violence and harassment;  
\*Lack of respect for human rights, including the lack of respect for privacy (e.g. restrictions on transfer of earnings, privacy violated in employer-provided housing, confiscation of possessions etc.);  
Lack of respect for national, ethnic and social identities and cultures.

**Dimension 10.**                      **Legal protection**

\*Exclusion from legal protections;  
\*Inadequate implementation/enforcement of legal protections (ineffective inspection systems, unspecified allocation of responsibilities in multilateral relationships etc.);  
\*Inadequate regulation of the recruitment or placement of workers by employment agencies, labour providers etc.;  
Lack of information on legal rights;  
No express contract.

**Dimension 11.**                      **Family and community life**

\*No entitlement to paid maternity leave of at least 14 weeks;  
\*No maternity protection;  
No parental leave;  
Work inhibits family or community life (e.g. engagements terminated because a worker has family



responsibilities, no flexibility to deal with family or community obligations).

**Dimension 12.**

**Work organization**

Lack of control over the work process (task, decision, timing, method etc.);  
Excessive workload;  
Intense physical and mental demands.

*Table 8          Dimensions of social location and social context*

<p><b>Social location:</b> The interaction of social relations (e.g. gender, ethnicity, social class) and legal and political categories (e.g. citizenship) that shape the likelihood of workers' involvement in UFW.</p>	<p><b>Social context:</b> The labour market and social welfare institutions and features of the political economy that determine (1) whether work is unacceptable and (2) the forms that unacceptable work takes.</p>
<p>Gender Ethnicity National origin Citizenship and immigration status Social class Age Sexual orientation Family status Care obligations Ability Religion Caste Linguistic group</p>	<p>Sector Occupation Industry Labour market Product market Firm size Contractual form (e.g. temporary, part-time) Labour market institutions (e.g. regulatory regime, union density) Social welfare institutions (e.g. social spending) Geographical region Levels of atypical employment Levels of informality</p>